UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
2143	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/647,638	RAZZA ET AL.
Office Action Summary	Examiner	Art Unit	
	DANIEL MURRAY	2143	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27MAY2008</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-33</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-33</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>27 MAY 2008</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Action is in response to Applicant's amendment filed on 27MAY2008. **Claims 1-33** are

now pending in the present application. **This Action is made FINAL.**

Drawings

2.   The replacement drawing sheet(s) received on 27MAY2008 are accepted by the Examiner.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
> subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

4.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966),

that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a)

are summarized as follows:

        1.   Determining the scope and contents of the prior art.
        2.   Ascertaining the differences between the prior art and the claims at issue.
        3.   Resolving the level of ordinary skill in the pertinent art.
        4.   Considering objective evidence present in the application indicating obviousness or
                nonobviousness.

5.   This application currently names joint inventors. In considering patentability of the claims

under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was

commonly owned at the time any inventions covered therein were made absent any evidence to the

contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and

invention dates of each claim that was not commonly owned at the time a later invention was made

in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35

U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6.   **Claims 1-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Billington et al.**

(US Patent # US 7,103,760 B1) in view of **Konetski et al (US Patent Publication # US**

2002/0103880 A1).

a) Consider **claim 1,** Billington et al. clearly show and disclose, a thin client device for use in

a home network comprising: a network port configured to connect the thin client device to a server

on the home network, the server including a hard disk drive (figure 1, column 1 lines 7-17 lines 39-

58, column 3 lines 10-17, column 6 lines 43-62, column 7 lines 1-4 lines 66-67, column 8 lines 1-3);

and a data/memory port, coupled to the network port and configured to interface with a memory

device (figure 1, column 2 lines 64-67, column 3 lines 1-3, column 6 lines 43-62, column 7 lines 1-4

lines 66-67, column 8 lines 1-3); and wherein the thin client is configured to transfer data stored at

the memory device through the data/memory port to the server via the network port and to archive

the data in the hard disk drive of the server responsive to automatically detecting the memory device

through the data/memory port (abstract, column 1 lines 7-17 lines 39-58, column 2 lines 64-67

column 3 lines 1-3 lines 10-17 lines 18-23, column 6 lines 53-62, column 7 lines 1-4 lines 66-67,

column 8 lines 1-3 column 8 lines 64-67, column 9 lines 1-20 column 13 lines 25-29). However,

Billington et al. does not specifically disclose the thin client is configured to transfer data stored at

the memory device through the data/memory port to the server via the network port and to archive

the data in the hard disk drive of the server responsive to automatically detecting the memory device

through the data/memory port.

Konetski et al. show and disclose a system for using resources of a computer system in conjunction with a thin media client wherein the computer system may retrieve content based on a signal generated by software either at the thin media client or the computer system (figure 1, paragraph [0001], paragraph [0014]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Konetski et al. into the system of Billington et al. for the purpose of having the computer retrieve the content (paragraph [0014] lines 15-19) when a memory device is detected (column 2 lines 64-67, column 3 lines 1-3, column 8 lines 64-67, column 9 lines 1-4).

b) Consider **claim 2,** and **as applied to claim 1 above,** Billington et al. as modified by Konetski et al. clearly show and disclose, the thin client device according to claim 1, wherein the thin client device is configured to transfer data from the memory device through the data/memory port the server through a global information network using the network port responsive to automatically detecting the memory device through the data/memory port (figure 1, abstract, column 1 lines 1-17 lines 39-58, column 2 lines 7-12, column 3 lines 10-23, column 6 lines 53-62, column 7 lines 66-67 column 8 lines 1-3 lines 64-67, column 9 lines 1-20, column 13 lines 25-29 lines 31-34).

c) Consider **claim 3,** and **as applied to claim 1 above,** Billington et al. as modified by Konetski et al. clearly show and disclose, the thin client device according to claim 1, further including: a controller, coupled to the network port and the data/memory port (figure 11, column 3 lines 54-63, column 13 lines 19-25 lines 43-51); a control interface, coupled to the controller, and configured to receive commands to control transfer of data from the data/memory port to the home network (figure 11, column 3 lines 54-63, column 13 lines 19-25 lines 43-51).

d) Consider **claim 4,** and **as applied to claim 1 above,** Billington et al. as modified by

Konetski et al. clearly show and disclose, the thin client device according to claim 1, further

including a signal processing apparatus configured to process the data available at the data/memory

port (figure 1, column 3 lines 18-23, column 6 lines 43-49, column 13 lines 25-29).

e) Consider **claim 5,** and **as applied to claim 1 above,** Billington et al. as modified by

Konetski et al. clearly show and disclose, the thin client device according to claim 1 wherein, the

data/memory port is a memory card interface (figure 1, column 2 lines 64-67, column 3 lines 1-3,

column 5 lines 21-32).

f) Consider **claim 6,** and **as applied to claim 1 above,** Billington et al. as modified by

Konetski et al. clearly show and disclose, the thin client device according to claim 1 wherein, the

data/memory port is a data communications port (figure 1, column 7 lines 66-67 column 8 lines 1-3,

column 13 lines 25-29).

g) Consider **claim 7,** and **as applied to claim 1 above,** Billington et al. as modified by

Konetski et al. clearly show and disclose, the thin client device according to claim 1 wherein, the thin

client device is integrated with a digital versatile disc (DVD) player (column 2 lines 64-67, column3

lines 1-3, column 5 lines 21-32, column 7 lines 36-43, column 14 lines 28-33).

h) Consider **claim 8,** and **as applied to claim 1 above,** Billington et al. as modified by

Konetski et al. clearly show and disclose, the thin client device according to claim 1 wherein, the thin

client device is integrated with a television set-top box (inherently taught by Billington et al. in a

home environment with an entertainment center including a television could obviously include a set-

top box)(column 14 lines 8-12, lines 28-33).

i) Consider **claim 9, and as applied to claim 1 above,** Billington et al. as modified by Konetski et al. clearly show and disclose, the thin client device according to claim 1 wherein, the thin client device is integrated with a television receiver (column 14 lines 8-12, lines 28-33).

j) Consider **claim 10, and as applied to claim 1 above,** Billington et al. as modified by Konetski et al. clearly show and disclose, the thin client device according to claim 1 wherein, the thin client device is integrated with a compact disc (CD) player (column 2 lines 64-67, column3 lines 1-3, column 5 lines 21-32, column 7 lines 36-43, column 14 lines 28-33).

k) Consider **claims 11 and 19,** Billington et al. clearly show and disclose, a method comprising: automatically detecting a memory device coupled to a data port of a thin client on a network (figure 1, column 2 lines 64-67, column 3 lines 1-3 column 8 lines 64-67, column 9 lines 1-20); automatically reading data stored on the memory device (figure 1, abstract, column 2 lines 64-67, column 3 lines 1-3 lines 18-23, column 5 lines 21-32, column 7 lines 66-67, column 8 lines 1-3, column 13 lines 25-29); and transferring the data read from the memory device to a server on the network through the data port and a network port coupled to the server and to archive the data in a hard disk drive of the server responsive to the automatically detecting the memory device through the data port (figure 1, abstract, column 1 lines 7-17 lines 39-58, column 2 lines 7-12, column 3 lines 10-23, column 6 lines 53-62, column 7 lines 66-67 column 8 lines 1-3 lines 64-67, column 9 lines 1-20, column 13 lines 25-29). However, Billington et al. does not specifically disclose the thin client device is configured to archive the data in a hard disk drive of the server responsive to the automatically detecting the memory device through the data port.

Konetski et al. show and disclose a system for using resources of a computer system in conjunction with a thin media client wherein the computer system may retrieve content based on a

signal generated by software either at the thin media client or the computer system (figure 1,

paragraph [0001], paragraph [0014]).

    Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teachings of Konetski et al. into the system of Billington et

al. for the purpose of having the computer retrieve the content (paragraph [0014] lines 15-19) when

a memory device is detected (column 2 lines 64-67, column 3 lines 1-3, column 8 lines 64-67,

column 9 lines 1-4).

    l) Consider **claims 12 and 20,** and as applied to **claims 11 and 19 above,** Billington et al. as

modified by Konetski et al. clearly show and disclose, the method of claims 11 and 19, further

comprising: automatically transferring the data read from the memory device to the server through a

global information network using the network port responsive to automatically detecting the

memory device coupled to the data port (figure 1, abstract, column 1 lines 1-17 lines 39-58, column

2 lines 7-12 lines 64-67, column 3 lines 1-3, lines 10-23, column 6 lines 53-62, column 7 lines 66-67

column 8 lines 1-3 lines 64-67, column 9 lines 1-20, column 13 lines 25-29 lines 31-34).

    m) Consider **claim 13 and 21,** and **as applied to claim 12 and 20 above,** Billington et al. as

modified by Konetski et al. clearly show and disclose, the method of claims 12 and 20 further

comprising automatically initiating the transferring the data read from the memory device (Konetski

et al.; paragraph [0001], [0014]) responsive to automatically detecting that the memory device

(column 2 lines 64-67, column 3 lines 1-3, column 8 lines 64-67, column 9 lines 1-4) is coupled to

the data port.

        n) Consider **claims 14 and 22,** and **as applied to claims 11 and 19 above,** Billington et al.

as modified by Konetski et al. clearly show and disclose, the method of claims 11 and 19 further

comprising: requesting the processing of the data at the server (column 5 lines 51-67, column 6 lines

1-2, column 13 lines 19-29 lines 57-60).

   o) Consider **claims 15 and 23,** and **as applied to claims 11 and 19 above,** Billington et al.

as modified by Konetski et al. clearly show and disclose, the method of claims 11 and 19. However,

Billington et al does not specifically disclose requesting the archiving of the data read from the

memory device at a hard disk drive located in the server after transferring (column 2 lines 64-67

column3 lines 1-3 lines 10-23).

   p) Consider **claims 16 and 24,** and **as applied to claims 11 and 19 above,** Billington et al.

as modified by Konetski et al. clearly show and disclose, the method of claims 11 and 19 where

transferring the data read from the memory device includes wireless transfer of the data read from

the memory device to the server on the network (figure 1, column2 lines 64-67, column 3 lines 1-3

lines 10-23, column 5 lines 51-67, column 6 lines 43-62, column 7 lines 59-65).

   q) Consider **claims 17 and 25,** and **as applied to claims 11 and 19 above,** Billington et al.

as modified by Konetski et al. clearly show and disclose, the method of claims 11 and 19 further

comprising: displaying the data read from the memory device as images on a display (inherently

taught by Billington et al. wherein data can be transferred between at least two devices a user

interface (a monitor) and a memory device)(figure 11, abstract, column 2 lines 49-56 lines 64-67,

column 3 lines 1-3, column 13 lines 19-29 lines 43-51); transferring the at least one image to the

server responsive to at least one displayed image being selected (inherently taught by Billington et al.

where data comprised of visual information can be transferred to and from storage, i.e. between a

memory device and server by using a keyboard or mouse)(figure 11, column 2 lines 49-56 lines 64-67

and column3 lines 1-3, column 13 lines 19-29 lines 43-51); and requesting the storing of the at least

one displayed image on the server after transferring (figure 1, column 1 lines 28-29, column 2 lines 7-12 lines 49-56 lines 64-66, column 3 lines 18-23).

r) Consider **claims 18 and 26,** and **as applied to claims 17 and 25 above,** Billington et al. as modified by Konetski et al. clearly show and disclose, the method of claims 17 and 25 further comprising: requesting the transfer of the at least one image from the server to the thin client after storing the at least one image on the server (Billington et al. teaches data comprising visual information, i.e. images, serves connected to thin clients via a network, and data transfers from storage)(figure 1, column 1 lines 28-29, column 2 lines 7-12 lines 49-56 lines 64-66, column 3 lines 18-23).

s) Consider **claim 27,** Billington et al. clearly show and disclose, a thin client comprising: means for configuring a network port to connect the thin client to a home network (figure 1, figure 11, column 3 lines 54-63, column 6 lines 43-62, column 7 lines 66-67, column 8 lines 1-3, column 13 lines 19-25 lines 43-51); means for detecting a memory device coupled to the thin client detecting a memory device couples to the thin client by a data port (figure 1, column 2 lines 64-67, column 3 lines 1-3, column 8 lines 64-67, column 9 lines 1-20); and means for transferring data stored in the memory device coupled to the data port and to archive the data in a hard disk drive of the server to the home network via the network port responsive to automatically detecting the memory device coupled to the thin client (abstract, column 1 lines 1-17 lines 39-58, column 2 lines 64-67 column 3 lines 1-3 lines 10-23, column 6 lines 53-62, column 7 lines 1-4 lines 66-67, column 8 lines 1-3, column 13 lines 25-29). However, Billington et al. does not specifically disclose transferring data stored in the memory device coupled to the data port and to archive the data in a hard disk drive of the server to the home network via the network port responsive to automatically detecting the memory device.

Konetski et al. show and disclose a system for using resources of a computer system in conjunction with a thin media client wherein the computer system may retrieve content based on a signal generated by software either at the thin media client or the computer system (figure 1, paragraph [0001], paragraph [0014]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Konetski et al. into the system of Billington et al. for the purpose of having the computer retrieve the content (paragraph [0014] lines 15-19) when a memory device is detected (column 2 lines 64-67, column 3 lines 1-3, column 8 lines 64-67, column 9 lines 1-4).

t) Consider **claim 28,** and **as applied to claim 27 above,** Billington et al. as modified by Konetski et al. clearly show and disclose, the thin client of claim 27 comprising means for automatically transferring data from the data port to the server through a global information network (figure 1, abstract, column 1 lines 1-17 lines 39-58, column 2 lines 7-12, column 3 lines 10-23, column 6 lines 53-62, column 7 lines 66-67 column 8 lines 1-3 lines 64-67, column 9 lines 1-20, column 13 lines 25-29 lines 31-34).

u) Consider **claim 29,** and **as applied to claim 27 above,** Billington et al. as modified by Konetski et al. clearly show and disclose, the thin client of claim 27 comprising: means for controlling the thin client coupled to the network port and the data port (figure 11, column 3 lines 54-63, column 13 lines 19-25 lines 43-51); means for receiving commands to control transfer of data from the data port to the home network (figure 11, column 3 lines 54-63, column 13 lines 19-25 lines 43-51).

v) Consider **claim 30,** and **as applied to claim 27 above,** Billington et al. as modified by

Konetski et al. clearly show and disclose, the thin client of claim 27 comprising means for processing

the data available at the data port (figure 1, column 3 lines 18-23, column 6 lines 43-49, column 13

lines 25-29).

w) Consider **claim 31,** and **as applied to claim 27 above,** Billington et al. as modified by

Konetski et al. clearly show and disclose, the thin client of claim 27 where the thin client is

integrated with a digital versatile disc (DVD) player (column 2 lines 64-67, column3 lines 1-3,

column 5 lines 21-32, column 7 lines 36-43, column 14 lines 28-33).

x) Consider **claim 32,** and **as applied to claim 27 above,** Billington et al. as modified by

Konetski et al. clearly show and disclose, the thin client of claim 27 where the thin client is

integrated with a television set-top box (inherently taught by Billington et al. in a home environment

with an entertainment center including a television could obviously include a set-top box)(column 14

lines 8-12, lines 28-33).

y) Consider **claim 33,** and **as applied to claim 27 above,** Billington et al. as modified by

Konetski et al. clearly show and disclose, the thin client of claim 27 where the client is integrated

with a television receiver (column 14 lines 8-12, lines 28-33).

Response to Arguments

7.   Applicant's arguments filed 27MAY2008 have been fully considered but they are not

persuasive.

Applicant argues "Billington does not disclose automatically transferring data

responsive to automatically detecting the memory device. Billington also does not disclose

archiving the data from the memory device to a hard disk drive of the server responsive to

automatically detecting the memory device."

"…Konetski discloses a computer system 100 that downloads digital media content from

the Internet for eventual playing or display on the thin media clients 11,120, or 130. Konetski's

"signal generated by software at either the thin media client 110, 120, or 130 or computer system

100," therefore, does not trigger the archiving of *the data in the hard disk drive of the server* as

it must to disclose the claims."

"Konetski, for its part, does not disclose that the thin media clients 110, 120, 130 transfer

digital media content to the computer 100 at all, much less transfer digital media content through a

global information network *responsive to automatically detecting the memory device through the data/memory port*

as recited."

The Examiner respectfully disagrees with Applicants arguments, Billington et al. clearly

discloses the use of servers with devices capable of archiving data, storing it, and transferring it from

storage to include hard drives (column 1 lines 7-17 lines 39-58, column 2 lines 65-67, column 3 lines

1-3 lines 10-17, column 6 lines 53-62) used both on a home network (column 1 lines 7-17) and a

global network (i.e. the Internet)(column 13 lines 31-34). Furthermore, it is well known in the art

data can be stored on a server and that in order for the data do be stored a hard disk would be

required. It is also well known in the art (and indicated in Billington et al.) the data that can be

transferred to and from storage over a local network, such as a home network, could also be

expanded to transfer data over a large global network such as the Internet. While Billington et al.

discloses the transfer of data to and from a server and associated storage devices, as has been

previously established, Billington et al. does not specifically disclose that this transfer of data

happens automatically upon detection of a memory device.

However, Konetski et al. on the other hand does. Konetski et al. not only discloses

performing storage for thin media clients but also discloses the retrieval of data by the computer

system in response to a signal generated by software at either a thin client of the computer system

(i.e. automatic transfer of data)(paragraph [0014]). While Konetski et al. show the data being

transferred from the computer system to the thin client device, Billington et al. clearly discloses the

ability to perform data transfers in both directions (column 2 lines 65-66). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to combine prior

art elements according to known methods to yield predictable results (MPEP 2141, Section III,

Rationale A) i.e. the use of a software signal, such as that caused by the detection of a device, to

trigger the transfer of data such as that taught by Konetski et al. with the system of transferring data

to and from storage, such as an archive server, as taught by Billington et al. .

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS

from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

mailing date of this final action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the mailing date of this final action.

9.	The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

US 2003/0079077 A1
US 2001/0037372 A1
US 6,742,028 B1

	Any inquiry concerning this communication or earlier communications from the examiner

should be directed to DANIEL MURRAY whose telephone number is 571-270-1773. The

examiner can normally be reached on Monday - Friday 0800-1700 EST.

	If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Tonia Dollinger can be reached on (571)-272-4170. The fax phone number for the organization

where this application or proceeding is assigned is 571-273-8300.

	Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system,

see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system,

contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like

assistance from a USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DCM/
Examiner, Art Unit 2143

/Tonia LM Dollinger/

Supervisory Patent Examiner, Art Unit 2143